

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

BRIAN BAKER, on behalf of himself,)
Individually and on behalf of all others)
similarly situated)
Plaintiff,)
)
v.) CAUSE NO.: 2:23-CV-190-PPS-JPK
)
SLT LENDING SPV, INC., d/b/a SUR LA)
TABLE,)
Defendant.)
)

LUANN PETRULAKIS, individually and on behalf)
of all others similarly situated,)
Plaintiff,)
)
v.) CAUSE NO.: 2:23-CV-202-PPS-JPK
)
SLT LENDING SPV, INC., d/b/a SUR LA)
TABLE,)
Defendant.)

ORDER

This matter is before the Court on Defendant's Unopposed Motion To Consolidate Related Actions, filed by Defendant SLT Lending SPV, Inc., d/b/a Sur La Table (hereinafter "SLT") in two separate putative class actions: (1) Cause No. 2:23-cv-190, hereinafter, "the *Baker Suit*," and (2) Cause No 2:23-cv-202, hereinafter, "the *Petrulakis Suit*" (collectively referred to as "the Related Actions").

DISCUSSION

These actions arise out of an information security incident. Specifically, between March 15 and 25, 2023, a third party gained unauthorized access to certain folders within SLT's network and may have viewed or obtained files in those folders (the "Incident"). Plaintiffs in each of the Related Actions are former employees of SLT, who allege that SLT notified them that their

personal data may have been impacted by the Incident. Shortly thereafter, Plaintiffs filed these putative class actions on behalf of themselves and all individuals whose personal data may have been impacted by the Incident.¹

Federal Rule of Civil Procedure 42(a) allows a district court to consolidate two or more actions that involve “a common question of law or fact.” Fed. R. Civ. P. 42(a)(2). “The primary purpose of consolidation is to promote convenience and judicial economy.” *Millman v. United Techs. Corp.*, Nos. 1:16-cv-312, 1:17-cv-28, 2017 WL 1165081, at *3 (N.D. Ind. Mar. 28, 2017). In deciding whether to consolidate, courts “consider such factors as judicial economy, avoiding delay, and avoiding inconsistent or conflicting results” as well “as the possibility of juror confusion or administrative difficulties.” *Habitat Educ. Ctr., Inc. v. Kimbell*, 250 F.R.D. 390, 394 (E.D. Wis. 2008). When two cases “grow out of the same set of facts, have the same lawyers and same parties, and are in the same court,” concerns for judicial economy “strongly favor consolidation of the two cases.” *Millman*, 2017 WL 1165081, at *3.

SLT’s motion is unopposed and notes that Plaintiffs in each of the Related Actions plead nearly identical factual allegations and claims, as well as seek redress for nearly identical alleged injuries to themselves and a similarly defined putative class based on the potential exposure of their personal data during the Incident. From the complaints in both cases, Plaintiffs were injured in that accident and blame the SLT for those injuries. *Compare [Petrulakis Suit, DE 1 (Complaint), with Baker Suit, DE 1 (Complaint)]*. Thus, the cases involve common questions of fact and common questions of law. No other factors have been presented at this time that would appear to

¹ SLT’s motion to consolidate represents that two other class actions based on the Incident also have been filed outside this district: *Elder v. SLT Lending SPV, Inc., d/b/a Sur LaTable*, No. 5:23-cv-1059, filed on June 6, 2023 (C.D. Cal.), and *Keifer v. SLT Lending SPV, Inc., d/b/a Sur LaTable*, (Case No. unavailable), filed on June 9, 2023 (Superior Court of Contra Costa, Cal.).

weigh against consolidation. Having reviewed the filings in both actions, the Court finds that there will be common questions of law and fact in both actions, that consolidation would promote judicial economy, and that no party will be prejudiced.

Accordingly, it is hereby **ORDERED** as follows:

(1) Defendant's Unopposed Motion to Consolidate Related Actions, filed in *Baker v. SLT Lending SPV, Inc., d/b/a Sur La Table*, Cause No. 2:23-cv-190 [DE 6], and in *Petrulakis v. SLT Lending SPV, Inc., d/b/a Sur La Table*, Cause No. 2:23-cv-202 [DE 13],² is **GRANTED** and the two actions are hereby **CONSOLIDATED**.

(2) All future filings shall be made on the Docket of the *Baker* Suit, Case No. 2:23-CV-190 **only**, using the combined case caption shown in this Order.

(3) A Telephonic Status Conference is set for **9/13/2023 at 10:30 AM (Central Time)** before Magistrate Judge Joshua P Kolar. Among other matters, the Court will discuss its intention to order the filing of a consolidated complaint. Parties should be prepared to discuss their objections, if any, to doing so at that time. Parties are instructed to dial 833-568-8864, enter Meeting ID 161 2255 6691 and passcode 252788 when prompted to join the conference.

So ORDERED this 17th day of August, 2023.

s/ Joshua P. Kolar
MAGISTRATE JUDGE JOSHUA P. KOLAR
UNITED STATES DISTRICT COURT

² SLT's motion should have been filed in the *Baker* Suit only, with a "notice" filed in the *Petrulakis* Suit. See N.D. Ind. L.R. 42-2.